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HUMAN RESOURCES MANAGEMENT

Employment of retirees

Report of the Secretary-General

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I. INTRODUCTION

1. By resolution 49/222 B of 20 July 1995, the General Assembly requested the Secretary-General "to develop a comprehensive policy for the use of retirees" and to report thereon to the Assembly at its fifty-first session. Pending its consideration of the Secretary-General's report, the Assembly established an interim limit of $12,000 as the maximum a former staff member already receiving a pension through the United Nations Joint Staff Pension Fund could receive from any United Nations funds in any calendar year. In so doing, it authorized "during the fiftieth session a derogation ... with a view to maintaining the maximum effectiveness of conference services". This report is submitted in accordance with the above resolution.

2. At its resumed fiftieth session, by decision 50/485 of 7 June 1996, the General Assembly decided, inter alia, to extend the provisions of paragraph 6 of its resolution 49/222 B relating to the employment of retirees by Conference Services until 30 October 1996 and that no further extension of this derogation shall be granted beyond that date; to consider all the issues regarding the use of retirees, including the issue of derogations, in the context of its consideration of the report called for in paragraph 3 of its resolution 49/222 B; and to consider as a matter of priority and no later than 15 October 1996 the above-mentioned report of the Secretary-General, and requests the Advisory Committee on Administrative and Budgetary Questions to have its related report available by 1 October 1996.

II. GENERAL POLICY

3. Reflective of the guidance and concerns of Member States on the subject, the general policy for the employment of retirees within the global Secretariat provides that staff will not normally be appointed above the mandatory retirement age. However, when their appointment on a temporary basis is considered in the best interests of the Organization and unless no other suitable candidate is available, they may be appointed under the following conditions:

(a) For service specifically with a United Nations mission, under the 100 or 300 series of the Staff Rules;

(b) For service as technical assistance project personnel, under the 200 series of the Staff Rules; or

(c) For conference and other short-term service, under the 300 series of the Staff Rules, provided that the period or periods of service under such an appointment do not exceed six months in any one period of 12 consecutive months. Moreover, no staff member shall be appointed within three months of retirement at or after the mandatory retirement age. Since participation in the United Nations Joint Staff Pension Fund is no longer limited to staff who are employed for six months or more under the mandatory retirement age, all re-employed retired staff must participate in the Pension Fund under the same conditions as staff under that age. 1/

4. In the implementation of these policy guidelines, the substantive department/office is responsible for carrying out a programmatic evaluation of the work to be performed, from a quantitative as well as a substantive perspective, and for ascertaining that there are no staff on board who can effectively perform the functions within available resources. Once the determination is made that external support is required, programme managers, in consultation with their Chiefs of Administration/Executive Officers, are required to ascertain that:

(a) The relevant resolutions and decisions of the General Assembly on the employment of retirees are fully respected;

(b) The regulations of the United Nations Joint Staff Pension Fund are fully respected and applied;

(c) The resort to external support does not adversely impact the development and legitimate career aspirations of serving staff;

(d) There are no qualified and available non-retiree sources of external personnel to perform the required functions;

(e) The employment of the retiree represents both a cost-effective and operationally sound solution to meeting the needs of the service.

As appropriate, and in accordance with the relevant delegation of authority, the Office of Human Resources Management oversees the employment of retirees under the conditions described above.

5. Over the years, a significant number of staff have retired after service with the United Nations system and are receiving a pension through the United Nations Joint Staff Pension Fund. As a matter of course, their positions and responsibilities have been filled by staff on board or, if appropriate, through recruitment.

6. While the global Secretariat relies on its existing staff to carry out its established work programme and implement the various mandates entrusted to it, it does occasionally experience the need for supplementing established staffing resources on a short-term basis to respond to specific mandates or requests from Member States, or to meet the demands of peak periods in areas subject to sharp and often unpredictable workload fluctuations. In order to meet these needs, the Secretariat redistributes functions and tasks among currently serving staff or employs consultants or staff on a short-term basis. In some cases, short-term assignments demand candidates with a full knowledge of the United Nations system as well as an in-depth knowledge of the subject-matter concerned. Institutional memory on a given subject is often an invaluable advantage to the Organization as it obviates the need for orientation and fact-finding. Some assignments also require established professional recognition and networks within and among specialized circles. When such demands arise, and after having ascertained that other recruitment options cannot satisfy the needs, the Secretariat considers it in the best interests of the Organization to take maximum advantage of an invaluable resource available to it, its retired staff.

III. CONCERNS OF MEMBER STATES

7. It is clear that, while this pool of candidates offers special value, care must be taken in their short-term employment to best serve the needs of the Organization. Favouritism or the perception thereof has been an often-expressed concern of Member States. Another expressed concern is so-called "double dipping", when a retired staff member receives a salary or fee from a United Nations source while receiving a United Nations pension. This concern neglects that United Nations pensions are deferred incomes which are contributory and earned, and that the same proscriptions have not been applied to the earnings of freelancers who might be receiving a pension from a non-United Nations source. It also overlooks the fact that the strict application of the mandatory age of retirement in the United Nations means that many staff who would wish to continue working beyond that age cannot normally do so. In the United States Federal Civil Service, which is the comparator for United Nations conditions of service, no such enforced separation age exists as it would violate United States age discrimination law. Such considerations notwithstanding, for the first time, in 1982, Member States established an earnings limit for retired staff working as experts and consultants in the Secretariat. In this regard, it is noted that the $12,000 ceiling was established by the General Assembly in 1982, not by reference to the needs of the Organization, but rather, according to the sponsor of the relevant draft resolution, "because $12,000 seemed a reasonable salary for retirees". 2/ The "cap" thus established did not apply to retirees recruited under a letter of appointment, but was limited to those under contract or special service agreement. It also neglected the duration of pre-retirement participation in the Pension Fund, which impacts significantly on the amount of the pension in question.

8. With the adoption of General Assembly resolution 49/222 B of 20 July 1995, the $12,000 limit was applied in all cases of retiree employment, inclusive of those hired by letter of appointment on fixed-term or short-term contracts. Exceptions to the limit are possible only for those retirees who opt to re-enter the United Nations Joint Staff Pension Fund, on the condition stipulated in regulations of the Fund that they are given appointments, or complete service, for a six-month or longer period without at least a 30-day break in service.

IV. EMPLOYMENT OF RETIREES FOR ADMINISTRATIVE, PEACE-KEEPING, HUMANITARIAN, DEVELOPMENT AND OTHER FUNCTIONS

9. Retirees have made important, cost-effective contributions in all disciplines of the administration occupational group: human resources management, budget, finance and procurement. This is especially true in relation to mission service. During the recent and sudden surge of field missions, the Secretariat was not able to provide a sufficient number of serving staff members who met the required qualifications. Retirees were an invaluable and dependable resource, enabling the Secretariat to either deploy them for field service or employ them to replace staff members sent on mission service. This resource proved particularly valuable to the start-up phase of missions, when administrative staff must be immediately operational in order to operationalize the mission. In the experience of the Department of Peace-keeping Operations, it has taken as long as six months for new recruits without

directly applicable United Nations experience to become sufficiently familiar with the organizational procedures to work independently and provide critically needed leadership. It is clear that, in such circumstances, the Organization does not have the luxury of time to train new leaders, build up substantive knowledge, or develop needed networks when these qualities are needed immediately to ensure the success of the mission or project.

10. Even under the best circumstances, however, it is generally not cost-effective to train a person who will be working for a short period. Furthermore, under the current measures to deal with the Organization's financial constraints, it has been necessary to abandon all attempts to train suitably qualified outside recruits. Thus, the Department of Peace-keeping Operations would be particularly hard pressed if it were no longer able to tap into this useful and ready pool of qualified persons. While rosters of personnel previously employed in such areas now exist, it is difficult to recruit from them, since most competent people do not remain idle waiting for a United Nations offer which may or may not arrive. Moreover, few outsiders will accept work under temporary or short-notice circumstances, while retirees, being generally free from other commitments and loyal to the Organization they have served for many years, can be counted upon to respond quickly. Often retirees have been ready to report for duty virtually overnight, with the paperwork to follow later.

11. Although it is possible that the workload, and hence the employment of retirees in this particular area, will diminish now that the number and size of missions seem to be decreasing, the need for personnel in the areas of finance and procurement remains pressing and often unmet. Demand in these areas is still much greater than the available supply. Here, as elsewhere, out-sourcing remains an option for such aspects of mission work as logistics, housing, water supply and transportation. However, as long as overall responsibility remains with the United Nations, experienced in-house personnel will be required to oversee and manage operations. As a matter of principle, privileged knowledge, responsibility and accountability cannot be out-sourced.

12. One of the main advantages offered by retired staff is their in-depth knowledge of generally complex political and technical matters, as they tend to have served a significant number of years with a high level of specialization. This is particularly important when knowledge and experience match the requirements of short-term assignments, enabling them to "hit the ground running".

13. A number of other departments, including the Department of Humanitarian Affairs, also occasionally need to rely on the expertise of retired staff. These departments generally draw on a roster of specialists and non-governmental organizations to fill short-term needs that include the coordination of humanitarian assistance in major complex emergencies or work on special reports, projects or conferences. In such cases, staff who have retired from the Secretariat or other organizations of the United Nations are employed whenever qualified staff on board are unavailable or when immediate staffing needs cannot be met from their existing roster or sources of recruitment.

14. The United Nations has a number of highly qualified retired staff who possess the necessary experience in developmental and emergency humanitarian assistance and are readily available for rapid deployment to crisis areas. In the case of complex emergencies, recent experience has demonstrated the added value of the leadership provided by retirees in the coordination of emergency relief assistance. Retirees are generally well-known within the United Nations system and enjoy the confidence and support of operational agencies, intergovernmental and non-governmental organizations as well as other humanitarian relief partners operating in the emergency-affected country. This is especially important as humanitarian affairs coordinators, in discharging their responsibilities, have to work closely and draw upon the support of these partners in ensuring a rapid and coherent humanitarian response. For the Department of Humanitarian Affairs, therefore, retired staff of the United Nations system have served as a valuable alternative human resource to be drawn upon, as necessary, for emergency response coordination.

15. The reasons for employing retired staff for peace-keeping and humanitarian operations generally apply to meeting the short-term staffing needs of other departments as well, often development related, especially in cases where retirees are known for their specific - usually United Nations-earned - expertise and knowledge in a given field. In such cases, they are asked to conduct socio-economic research, prepare technical studies or reports, or arrange international conferences on selected subject-matters. Their employment meets specific, time-bound needs and their contributions have proved to be of high value to the Organization.

V. EMPLOYMENT OF RETIREES FOR CONFERENCE SERVICES

16. A special situation exists in the area of Conference Services (interpretation, translation/precis-writing, verbatim reporting and editorial control). As has been repeatedly explained in programme budget documents, sharp conference-related workload variations occur in the course of the year; even from week to week in the case of interpretation and in the preparation of meeting records. This is a direct result of the fluctuations in the level of activity of intergovernmental organs and expert bodies. In order to avoid having to maintain excess staffing capacity during lower workload periods, established staffing resources have deliberately been kept at the minimum level required for meeting the demand for services during "normal" periods. As workload fluctuations require, these are supplemented through the recruitment of short-term staff, for which a specific appropriation is provided under temporary assistance for meetings. In the case of translation, supplementary support is also provided through out-sourcing contractual translation under special service agreements funded under a separate budgetary appropriation. A comparable situation exists in the servicing of other intergovernmental processes, including the Economic and Social Council.

17. For both short-term recruitment and contractual services, the Organization draws on a pool of freelance language professionals. This pool includes a number of former staff members of the United Nations Secretariat or organizations of the common system who have retired after a distinguished career in language services. The pool of non-retirees, particularly for specific

language combinations and/or functions, is limited for two reasons: first, the Organization must ensure that the freelancers it recruits meet the same high standards required of established language staff; and, second, the United Nations must compete on the freelance market with other organizations both within and outside the common system who in some cases can be more stable or financially advantageous sources of employment. Since these organizations often have a similar pattern of workload distribution over the year, shortages of highly qualified freelance language staff may occur.

18. In recognition of the realities of the freelance market, the General Assembly agreed, after adopting resolution 37/237 of 21 December 1982, to grant Conference Services sufficient flexibility in recruiting retired language professionals by exempting them from the $12,000 yearly earnings limit. It is to be noted that the General Assembly later confirmed this exemption, either by endorsing or taking note of mandated reports on the use of consultants in the United Nations, which presented statistics on the employment of retirees, recalled the exemption and explained its continued justification. 3/ The general market constraints outlined above have not significantly diminished since the adoption of resolution 37/237, the increase in supply having barely kept pace with the upward trend in demand.

19. The same considerations leading to the conclusion that it is not cost-effective for the Organization to enlarge through training the pool of non-retirees available for short-term recruitment applies mutatis mutandis to language professionals. In this connection, it is worth recalling that serving language staff are recruited through highly selective worldwide competitive examinations. They must also undergo a period of intensive on-the-job additional training focused on adapting their language skills to the specific requirements of the Organization. At least five years of experience are usually required to bring the performance of a junior language professional to the level of reliability, versatility and productivity required at the median grade of the career path (P-4 level).

20. In addition, for specific functions the United Nations is not only the sole potential employer of freelance language staff but can offer employment opportunities only for brief periods each year. Verbatim reporting is a case in point. This function exists only at Headquarters in New York and freelance verbatim reporters are recruited almost exclusively during the peak period of the General Assembly (two-and-a-half months). As there simply is no other market for these specific skills, it is unrealistic to expect that a pool of non-retiree freelancers could be significantly expanded. A similar situation applies in the case of interpretation, in terms of meeting specific language combination requirements used mostly at the United Nations.

21. On the other hand, the Secretariat has been able to expand further its use of contractual translation services, a form of out-sourcing which the Organization has been encouraged to use to the fullest possible extent 4/ as the most cost-effective translation mode. Sustained efforts have been made to expand the roster of non-retiree contractors through testing as many candidates as possible and conducting a pilot project whereby candidates showing a strong potential on the basis of test results received training focused on the specific requirements of translating for the United Nations. Such training took the form

of in-depth revision of translations entrusted to trainees at a special reduced rate and of brief periods of in-house employment. However, the scope of such efforts has been severely limited by the lack of budgetary resources specifically earmarked for these training purposes, the current general budgetary constraints and the risk of not getting an adequate return on investment. Consequently, engaging retired staff to carry out contractual translation will continue to be essential and, indeed, any possibility of increasing the share of contractual work in the total volume of translation depends to a large extent upon the continued use of retiree services by means of Special Service Agreements.

22. Thus, retired language professionals continue to form a crucial part of the freelance market, where they are prominently represented in a select group of highly reliable, efficient and versatile linguists. Retirees also bring to the Organization the added value of their in-depth knowledge of its rules and practices and special requirements. Additionally, they are generally available at short notice and are capable of being fully productive immediately upon employment.

23. In view of the above considerations, imposing strict limitations on the employment of retirees in the area of conference servicing would compromise the provision of such services during peak workload periods, adversely affect their quality and have very significant cost implications. This would be especially true if a low ceiling were to be established for the earnings of language staff retirees employed under Special Service Agreements for mostly contractual translation, which previously had been exempted from the US$ 12,000 ceiling set by General Assembly resolution 37/237.

VI. COST-BENEFIT ANALYSIS

24. Particularly but not exclusively for Conference Services, in addition to their proficiency and availability retirees generally offer clear advantages in terms of cost-effectiveness, as they form the majority of the local freelance market at the major United Nations centres, notably New York and Geneva. 5/ In fact, as far as language staff are concerned, it is significant to note that, despite being one of the major employers, the United Nations in and of itself does not offer sufficient employment opportunities to support a non-retiree local market.

25. Faced with an increasingly heavy reliance on temporary assistance for Conference Services, resulting from growing workloads and decreasing established resources, and more recently with substantially reduced appropriations for this budget item, the Secretariat has endeavoured to maximize the use of local freelance staff and avoid payment of costly travel expenses and daily subsistence allowances, in addition to salaries. (In the 1994-1995 biennium, travel and daily subsistence allowances accounted for 37 per cent of total expenditures on temporary assistance for language services - $10,623,740 out of $28,532,595). Further restrictions on the use of retirees would limit access to the local market and lead to increased resort to non-local capacity, at much higher costs.

26. For example, maintaining a $12,000 earnings limit for retirees in language functions would mean, at a minimum, that no locally recruited retiree would be able to cover the entire three-month fall session of the General Assembly. Thus, local retirees would have to be replaced in most cases by non-local appointees at some point during the session. The use of non-local retirees would also be affected, since the remuneration ceiling would prevent them from servicing the Assembly for three months. The servicing would then have to be divided between two shifts, doubling travel expenses and increasing daily subsistence allowance costs.

27. Based on 1995 workloads and recruitment patterns, the effect of limiting the employment of retirees during a General Assembly fall session by applying a $12,000 ceiling and replacing them in most cases by non-local freelancers would mean an increase of up to $1.4 million per biennium in the cost of servicing the General Assembly.

28. In interpretation, retirees with certain required language combinations may have reached the limit before the session begins and it may not be possible to find alternative staff at any cost. In translation, most or, in the case of some languages, all local freelancers are retirees. Since temporary assistance or contractual services are required during the periods other than the General Assembly session, many will have earned $12,000 by the time the session begins. In verbatim reporting, retirees are the main source of temporary assistance, local or non-local. If they cannot be kept in service throughout the autumn session, there might simply be no temporary verbatim reporters available.

VII. PROPOSED ARRANGEMENTS

29. Based on the considerations set out above and after thorough consultations with his seniormost programme managers and under prescribed administrative and budgetary circumstances, the Secretary-General views the employment of retirees as an extremely valuable staffing resource for the Organization. He agrees with Member States that the type and length of contracts and the level of earnings of retirees when required for service with the United Nations should continue to be strictly controlled. He further agrees that the regulations of the United Nations Joint Staff Pension Fund must be respected. Experience indicates that the needs of the Organization would best be met through the establishment of a six-month ceiling per calendar year for short-term retiree staff, with a modified earnings limit under Special Service Agreements.

30. Under such a system, retired staff would only be rehired on short-term appointments for service with the Organization not to exceed a maximum of six months per calendar year, without the obligation to re-enter the United Nations Joint Staff Pension Fund. Assignments for six months or longer, without a 30-day break in service, would require mandatory re-entry into the Fund, in line with the current regulations of the Fund. They would also require exceptional approval by the Office of Human Resources Management, which would grant it only after the requesting department has presented proof that all other alternatives are either not feasible or are more costly.

31. A Special Service Agreement earning ceiling would be set at the equivalent of three months of the gross salary at the mid-point of the salary scale. For conference service language staff, the limit would be set at six months gross salary. 6/

32. This formula has the benefit of setting a time-limit of six months for service with the Organization without entry into the United Nations Joint Staff Pension Fund and providing access to retirees to perform assignments of short duration service when the Organization seeks assistance from retirees. It also pegs the earning limit to a reasonable, three-month time-frame for accomplishing work under a Special Service Agreement without establishing an overall figure that places differing time-limits on work depending on the individual contracted to perform it.

33. It is recognized that while this formula responds best to the needs of the Secretariat it does not address the concerns of Member States with respect to "double dipping" by those retirees in receipt of a contributory and earned United Nations pension or to the related concern that the same proscriptions do not apply to the earnings of a freelancer who might be receiving a pension from a non-United Nations source, including national civil service or private sector sources.

34. It is noted in this respect that some national civil services do not set a limit for the earnings of their retired staff. Others follow a different practice whereby retired civil servants who rejoin the civil service on a short-term assignment cannot earn more than an amount equivalent to the difference between their gross salary upon retirement and their gross annual pension. As an illustration, an individual who earned an annual gross salary of $35,000 upon retirement and receives a gross annual pension of $20,000 cannot earn more than $15,000 per year after retirement if employed for short-term assignments. If this arrangement were to be applied in the United Nations context, the payment level (and by extension duration of employment) of a retiree would be tailored to the individual's personal financial situation, rather than necessarily to the needs of the United Nations or work to be accomplished. For this to be a viable arrangement, the current value of the gross salary corresponding to the individual's level at retirement would have to be used as the point of reference, as it is expected that retirees will be reassigned to functions similar or identical to those for which they were compensated prior to retirement.

35. These arrangements would broadly satisfy the needs of the global Secretariat and the needs of peace-keeping, humanitarian and development programmes when it is determined that hiring retirees serves the best interests of the Organization.

VIII. CONTROL AND MONITORING

36. As called for in resolution 49/222 B, control mechanisms are clearly required to ensure that retirees are employed only as a last resort, after all other options have been explored and rejected for good reasons; chief among them being experience and skill levels required as well as cost-effectiveness. The

Secretary-General will see to it that all programme managers are aware of this responsibility and that they are held accountable to fulfil it.

37. In addition, as the system expands to worldwide functionality, the Integrated Management Information System (IMIS) will be called upon to play a key role in monitoring. Full implementation of IMIS capabilities will enable the responsible programme manager, working with his/her administrative support personnel, to determine whether a prospective contract will carry a retiree above the limits set in terms of either period of service or monetary compensation. Additionally, programme managers at overseas duty stations will be required to submit comprehensive reports of their current and anticipated use of retirees every six months, to enable better monitoring by central management.

38. Furthermore, to ensure that all recipients of a United Nations pension are properly identified, particularly those who have worked for other organizations of the common system, close cooperation will be maintained with the United Nations Joint Staff Pension Fund. Consideration is being given to establishing an interface between IMIS and the Fund's computer system in order that the employment of any retiree, once recorded in IMIS, will also be reflected in the Fund's system.

IX. FORTY-SEVENTH SESSION OF THE UNITED NATIONS JOINT STAFF PENSION BOARD

39. In response to the request of the General Assembly set out in its decision 50/485, the United Nations Joint Staff Pension Board examined, at its forty-seventh session, the possibility of suspending pension benefits for periods of less than six months. The Board did not make any formal recommendation to amend the regulations of the Fund.

X. CONCLUSION

40. The Secretary-General is mindful of the concerns of the General Assembly and appreciates fully the need to control the employment of retirees. At the same time, it is clear that the Secretariat cannot afford to be deprived of access to a very efficient, experienced, cost-effective and dependable human resource base. Imposing too stringent a limit on the employment of retirees would be costly and detrimental to the Organization in both quantitative budgetary terms and qualitative servicing and programme delivery terms. On the basis of the results of this review, conducted with full participation of departments and offices of the Secretariat, the Secretary-General remains convinced that, with the benefit of strict control and monitoring mechanisms, it is in the best interests of the United Nations to maintain a policy permitting continued restricted employment of this valuable human resource in both language and non-language functions.

Notes

1/ ST/AI/213/Rev.1 of 18 July 1984, paras. 10-12.

2/ A/C.5/37/SR.72, para. 33.

3/ See, for example, A/C.5/40/40, paras. 11-13 and A/C.5/42/25, para. 12.

4/ See, for example, Official Records of the General Assembly, Forty-ninth Session, Supplement No. 5 (A/49/5), paras. 208-210.

5/ The Directory of active members of the Association Internationale des Interpretes de Conférences and the Association Internationale des Traducteurs de Conférences, the major professional associations of freelance interpreters and translators/precis-writers, illustrates the reality of the market, showing that over 20 times more freelancers have established their professional domicile in Geneva and to a lesser degree in New York than other locations.

6/ As a point of reference, for the Professional and higher categories in New York, the mid-point of the salary scale is P-4 with a current monthly rate of $7,402 (gross). The mid-point of the New York salary scale for staff in the General Service and related categories is currently $2,908 (gross). This payment excludes travel or related payments, such as daily subsistence or mission subsistence allowance.